

**TITLE XIII: GENERAL OFFENSES**

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**CHAPTER 130: OFFENSES AGAINST JUSTICE AND ADMINISTRATION**

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**§ 130.01 COMPLIANCE WITH STATE LAW REQUIRED.**

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law, insofar as such laws are applicable to municipal government. (1963 Code, § 6-2-23) Penalty, see § 130.99

**§ 130.02 IMPERSONATING AN OFFICER.**

It shall be unlawful for any person to represent falsely himself or herself to be an officer of the municipality or who shall attempt to impersonate any such officer or who shall without authority perform any official act therein on behalf of an officer. (1963 Code, § 6-3-22) Penalty, see § 130.99

**§ 130.03 CONCEALING KNOWLEDGE.**

It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this code. (1963 Code, § 6-2-11) Penalty, see § 130.99

**§ 130.04 ESCAPE.**

It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. (1963 Code, § 6-2-19) Penalty, see § 130.99

**§ 130.05 AIDING IN ESCAPE.**

It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer. (1963 Code, § 6-2-18) Penalty, see § 130.99

**§ 130.06 FURNISHING ITEMS TO PRISONERS.**

It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug, or other article without the consent of the officer in charge. (1963 Code, § 6-2-51) Penalty, see § 130.99

**§ 130.99 GENERAL PENALTY.**

Whoever violates any provision of this title for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.



## CHAPTER 131: OFFENSES AGAINST PROPERTY

### Section

- 131.01 Retail theft
- 131.02 Theft
- 131.03 Possession of burglar tools
- 131.04 Petit theft
- 131.05 Fraudulently avoiding payment of admission fees
- 131.06 Swindling
- 131.07 False pretenses
- 131.08 Criminal damage to property
- 131.09 Malicious injury to property

(5) **MINOR.** A person who is less than 18 years of age, is unemancipated and resides with his or her parents or legal guardian.

(6) **PERSON.** Any natural person or individual.

(7) **PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT.** Includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

### § 131.01 RETAIL THEFT.

(A) **Definitions.** For the purpose of this section, the words and phrases defined herein shall have the meanings ascribed to them in those sections unless a contrary meaning is clear from the context.

(1) **CONCEAL MERCHANDISE.** Although there may be some notice of its presence, merchandise is not visible through ordinary observation.

(2) **FULL RETAIL VALUE.** The merchant's stated or advertised price of the merchandise.

(3) **MERCHANDISE.** Any item of tangible personal property.

(4) **MERCHANT.** An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

(8) **RETAIL MERCANTILE ESTABLISHMENT.** Any place where merchandise is displayed, held, stored or offered for sale to the public.

(9) **SHOPPING CART.** Those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

(10) **UNDER-RING.** To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

(B) **Offense of retail theft.** A person commits the offense of retail theft when he or she knowingly:

(1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for

sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

(C) *Presumptions.* If any person:

(1) Conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and

(2) Removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment;

such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

(D) *Detention.*

(1) Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) To request identification;

(b) To verify such identification;

(c) To make reasonable inquiry as to whether such person has in his or her possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

(d) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(e) In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person;

(2) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

(E) *Affirmative defense.* A detention as permitted in this section does not constitute an arrest or an unlawful restraint, nor shall it render the merchant liable to the person so detained.

(F) *Civil liability.*

(1) A person who commits the offense of retail theft as defined in divisions (B)(1), (2) or (3) above shall be civilly liable to the merchant of the merchandise in an amount consisting of:

(a) Actual damages equal to the full retail value of the merchandise as defined herein; plus

(b) An amount not less than \$100 nor more than \$1,000; plus

(c) Attorney's fees and court costs.

(2) If a minor commits the offense of retail theft, the parents or guardian of the minor shall be civilly liable as provided in this section.

(3) A conviction or a plea of guilty to the offense of retail theft is not a prerequisite to the bringing of a civil suit hereunder.

(4) Judgments arising under this section may be assigned.

(G) *Separability.* If any division, clause, sentence, paragraph or part of this section is for any reason adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the division, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(H) *Penalty.*

(1) The penalty for retail theft of property, the full retail value of which does not exceed \$150 shall be not less than \$100, nor more than \$500.

(2) The penalty for any retail theft of property, the full retail value of which exceeds \$150 shall be not less than \$250, nor more than \$1,000. (Ord. 1152, passed 9-8-1987)

**§ 131.02 THEFT.**

A person commits the offense of theft when he or she knowingly:

(A) Obtains or exerts unauthorized control over property of the owner; or

(B) Obtains by deception control over property of the owner; or

(C) Obtains by threat control over property of the owner; or

(D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him or her to believe that the property was stolen and;

(1) Intends to deprive the owner permanently of the use or benefit of the property; or

(2) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit. (1963 Code, § 6-2-55) (Ord. 768, passed 4-14-1969) Penalty, see § 130.99

**§ 131.03 POSSESSION OF BURGLAR TOOLS.**

It shall be unlawful for any person to have in his or her possession any nippers of any description known as burglar's nippers, pick-lock, skeleton key, jimmy, or other burglar's instrument or tool of any description, unless it be shown that the possession is innocent or for a lawful purpose.

(1963 Code, § 6-2-7) Penalty, see § 130.99

**§ 131.04 PETIT THEFT.**

It shall be unlawful for any person to commit petit theft, which is hereby defined as a theft when the property taken is of a value of less than \$150. (1963 Code, § 6-2-35) Penalty, see § 130.99

**§ 131.05 FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES.**

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement. (1963 Code, § 6-2-1) Penalty, see § 130.99

**§ 131.06 SWINDLING.**

It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for themselves or for another any money or property or a representative of either. (1963 Code, § 6-2-46) Penalty, see § 130.99

**§ 131.07 FALSE PRETENSES.**

It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom such person received the food, goods, wares, and merchandise. (1963 Code, § 6-2-21) Penalty, see § 130.99

**§ 131.08 CRIMINAL DAMAGE TO PROPERTY.**

Whoever commits any of the following acts shall be fined not to exceed \$500 or imprisoned in a penal institution other than the penitentiary not to exceed 6 months, or both, or for the commission of any act enumerated in division (A) or (F):

(A) Knowingly damages any property of another without his or her consent; or

(B) Recklessly by means of fire or explosive damages property of another; or

(C) Knowingly starts a fire on the land of another without his or her consent; or

(D) Knowingly injures a domestic animal of another without his or her consent; or

(E) Knowingly deposits on the land or in the building of another, without his or her consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(F) Damages any property with intent to defraud an insurer. (1963 Code, § 6-2-53) (Ord. 749, passed 4-15-1968)

**§ 131.09 MALICIOUS INJURY TO PROPERTY.**

It shall be unlawful for any person wilfully and maliciously to injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest or secrete or destroy any real or personal property belonging to or under the control of any person. (1963 Code, § 6-2-41) Penalty, see § 130.99

## CHAPTER 132: OFFENSES AGAINST PERSONS

### Section

- 132.01 Assault
- 132.02 Battery
- 132.03 Cruelty
- 132.04 Encouraging delinquency
- 132.05 Cigarette smoking prohibited

#### § 132.01 ASSAULT.

It shall be unlawful for any person to commit assault, which is hereby defined as any conduct which places another in reasonable apprehension of receiving a battery.

(1963 Code, § 6-2-2) Penalty, see § 130.99

#### § 132.02 BATTERY.

It shall be unlawful for any person to commit battery. A person commits battery if he or she intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

(1963 Code, § 6-2-5) Penalty, see § 130.99

#### § 132.03 CRUELTY.

It shall be unlawful for any person to cruelly or inhumanely whip, injure, beat, or mistreat his or her own spouse, child, stepchild, or apprentice, or other child under his or her care.

(1963 Code, § 6-2-13) Penalty, see § 130.99

#### § 132.04 ENCOURAGING DELINQUENCY.

It shall be unlawful for any person, by any act or neglect, to encourage, aid, or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

(1963 Code, § 6-2-14) Penalty, see § 130.99

#### § 132.05 CIGARETTE SMOKING PROHIBITED.

(A) It shall be unlawful for any person under 18 years of age to possess or smoke cigarettes, cigars, pipes or other tobacco products within the corporate limits of the city.

(B) Any person violating the provisions of this section shall be fined \$25 for a first violation and \$500 for any second or subsequent violations.

(Ord. 1931, passed 9-12-2005)

*Cross-reference:*

*Cigarette dealers, see Ch. 113*



## CHAPTER 133: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

### Section

|        |   |   |
|--------|---|---|
| 133.01 | Unlawful assembly                             | the citizens thereof or to the annoyance or injury of |
| 133.02 | Collecting crowds                             | the public.   |
| 133.03 | Disturbing the peace                          | (1963 Code, § 6-2-10) Penalty, see § 133.99           |
| 133.04 | Riot  |   |
| 133.05 | Drunkenness                                   |   |
| 133.06 | Curfew  |   |
| 133.07 | Truancy                                       |   |
| 133.08 | False fire alarms                             |   |
| 133.09 | Keeping of junk restricted                    |   |
| 133.10 | Barbed wire and electric fences               |   |
| 133.11 | Renting premises for unlawful purposes        |   |
| 133.12 | [Reserved]                                    |   |
| 133.13 | Events causing annoyance or injury prohibited |   |
| 133.14 | Posting bills                                 |   |
| 133.15 | Hypnotists prohibited                         |   |
| 133.16 | Loitering and related offenses                |   |
| 133.17 | Sale of firearms prohibited                   |   |
| 133.18 | Discharge of firearms prohibited              |   |
| 133.19 | Concealed weapons                             |   |
| 133.99 | Penalty                                       |   |

### § 133.01 UNLAWFUL ASSEMBLY.

It shall be unlawful for 2 or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer so to do.

(1963 Code, § 6-2-3) Penalty, see § 133.99

### § 133.02 COLLECTING CROWDS.

It shall be unlawful for any person to collect within the city a crowd of people to the annoyance of

### § 133.03 DISTURBING THE PEACE.

A person commits the offense of disorderly conduct, also known as disturbing the peace, when a person knowingly:

(A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(B) Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;

(C) Transmits in any manner to another a false alarm in the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time for such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place;

(D) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;

(E) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a

dwelling on the property through any window or other opening in it;

(F) Urinates or defecates on any public street, alley, sidewalk or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom;

(G) Starts a fight or engages in a fight in the city. A fight means any physical altercation between 2 or more individuals. Self-defense as allowed pursuant to Illinois law shall be an affirmative defense to this charge; or

(H) Willfully, maliciously, intentionally, or unnecessarily disturbs the peace and quiet of another, or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises, or indecent behavior, or by offensive or unbecoming conduct.

(1963 Code, § 6-2-16) (Am. Ord. 2148, passed 10-20-2008) Penalty, see § 133.99

#### § 133.04 RIOT.

It shall be unlawful for any person to fail or refuse immediately to disperse upon an order to do so by a police officer, when 2 or more persons are assembled for the purpose of disturbing the peace or for the purpose of committing any unlawful act.

(1963 Code, § 6-2-45) Penalty, see § 133.99

#### § 133.05 DRUNKENNESS.

It shall be unlawful for any person to be found drunk, intoxicated, or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

(1963 Code, § 6-2-17) Penalty, see § 133.99

#### § 133.06 CURFEW.

(A) It shall be unlawful for any person under the age of 15 years to be or remain upon any street or alley or other public place in the city after 10:00 p.m. unless such person is accompanied by a parent or guardian, or other person of the age of 21 years or more, or unless engaged in some occupation or business in which the child may lawfully engage under the statutes of this state.

(B) It shall be unlawful for any person between the ages of 15 and 17 years inclusive, to be or remain on any street or alley or other public place in the city after the hour of 11:30 p.m. unless such person is accompanied by a parent or guardian, or other person of the age of 21 or more, or unless engaged in some business or occupation in which such child may be lawfully engaged under the statutes of this state.

(1963 Code, § 6-6-1)

(C) It shall be unlawful for anyone having legal care and custody of any person, as described herein to allow or permit such person to go upon any public street, alley or other public place in the city in the nighttime as restricted in divisions (A) and (B) above of this section.

(1963 Code, § 6-6-2)

(D) Every member of the Police Force while on duty is hereby authorized to detain any minor wilfully violating the provisions of divisions (A) or (B) of this section until the parent or guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian.

(1963 Code, § 6-6-3)

(E) The Chief of Police may have sounded a proper signal at 10:00 p.m. each evening to indicate the curfew.

(1963 Code, § 6-6-4) (Ord. 613, passed 9-6-1960)

(F) This section does not apply to a minor who is:

(1) Accompanied by the minor’s parent or guardian;

(2) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

Penalty, see § 133.99

**§ 133.07 TRUANCY.**

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **PARENTAL PERMISSION.** Shall include permission from a person in loco parentis and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support, employment, valid religious justification, school district's, providing appropriate evidence of home schooling and/or compelling family reasons.

(2) **TRUANT.** A child subject to compulsory school attendance and who is absent without parental/guardian permission from such attendance for a school day or a portion thereof.

(B) *Truancy prohibited.*

(1) It shall be unlawful for any person within the corporate limits of the city, or enrolled in a school within the corporate limits of the city, and enrolled in grades 1 through 12 who is (1) required by law to attend school; (2) subject to the compulsory attendance requirements of the Illinois School Code, as it may be amended from time to time; or (3) enrolled in a public, private or parochial school (hereinafter referred to as student) to absent himself or herself from attendance at school without parental or guardian school permission. It shall also be unlawful for any parent or legal guardian of any such child to allow a child to violate this section.

(2) It shall further be unlawful for any student enrolled in public, private or parochial school to absent himself or herself from attendance at said school without parental/guardian permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and students and/or those who have custody shall be subject to a fine as set forth hereafter. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission is submitted in writing to the proper school authorities within 24 hours after such absence.

(3) It shall be unlawful for any person who has custody or control of a student to permit such

child not to attend some public, private or parochial school in the district wherein the child resides during the entire time it is in the session during the regular school term, without reasonable and adequate excuse, such excuse including, personal illness, serious family illness, death in the family, serious home emergency, necessary and lawful family support, employment, valid religious justification or providing evidence of satisfactory participating in home schooling, or compelling family reason. Any person violating this section is guilty of the offense of truancy and shall be subject to a fine as set forth hereafter.

(4) False excuse prohibited. It shall be an offense under this section for a parent or other individual to knowingly submit to the proper school authorities a written excuse under any of the provisions herein that contains false information, including falsification of a signature. A person convicted of an offense under this section shall be subject to a fine set forth hereafter.  
(Ord. 1764, passed 4-29-2002) Penalty, see § 133.99

#### **§ 133.08 FALSE FIRE ALARMS.**

(A) No person shall knowingly give, or cause to be given, any false alarm signal or call of fire by any means whatsoever.  
(1963 Code, § 4-1-13) (Ord. 677, passed 6-29-1964)

(B) It shall be unlawful for any person to wilfully, by outcry or otherwise, make or circulate any false alarm of fire, or wilfully turn in a false alarm of fire. Upon the arrest and conviction of any such person, the person furnishing the information leading to such arrest and conviction shall be entitled to be paid out of the treasury the sum of \$25. The Mayor is hereby authorized, whenever, in the Mayor's judgment, it becomes necessary, to advertise the fact that a reward of \$25 will be paid to the person furnishing information leading to the arrest or conviction of any person for the violation of the provisions of this section.  
(1963 Code, § 4-3-1) Penalty, see § 133.99

#### **§ 133.09 KEEPING OF JUNK RESTRICTED.**

It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public parks, public grounds, business buildings, or residences without first providing proper and tight buildings for the storage of the same.  
(1963 Code, § 6-2-27) Penalty, see § 133.99

#### **§ 133.10 BARBED WIRE AND ELECTRIC FENCES.**

It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot, stairway, entrance to a building or parcel of land.  
(1963 Code, § 6-2-4) Penalty, see § 133.99

#### **§ 133.11 RENTING PREMISES FOR UNLAWFUL PURPOSES.**

It shall be unlawful for any person to rent, use, or allow to be used any building or property owned by that person, for any purpose whereby riotous or disorderly persons are gathered.  
(1963 Code, § 6-2-28) Penalty, see § 130.99

#### **§ 133.12 [RESERVED].**

#### **§ 133.13 EVENTS CAUSING ANNOYANCE OR INJURY PROHIBITED.**

It shall be unlawful for any person to rent, use or allow to be used, any yard, ground or grave, or other

real estate within the city for public picnics or open air dances, to be conducted in such manner as to be an annoyance or injury to the public.

(1963 Code, § 6-2-38) Penalty, see § 130.99

**§ 133.14 POSTING BILLS.**

It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone or any other portion or part of any sidewalk, or upon any tree, lamppost, hitchpost, telegraph pole, hydrant or upon any private wall, door or gate, without the consent in writing of the owner of the wall, door or gate; provided, however, that this sections shall not prevent posting by proper city and county officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections.

(1963 Code, § 6-2-40) Penalty, see § 133.99

**§ 133.15 HYPNOTISTS PROHIBITED.**

It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotist provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited doctor of medicine or doctor of dentistry nor shall it prohibit the teaching of hypnotism In any state accredited educational institution which maintains an academic standard of the college level.

(1963 Code, § 6-2-24) Penalty, see § 133.99

**§ 133.16 LOITERING AND RELATED OFFENSES.**

(A) It shall be unlawful for any person to loiter as defined herein, either alone and/or in concert with others, in such a manner as to:

(1) Obstruct any public street, public highway, public sidewalk, public alley or way, or any other public place or building by hindering and/or impeding and/or intending to hinder and/or impede the

free and uninterrupted passage of vehicles, traffic, or pedestrians.

(2) To loiter while alone and/or consort with others in or upon any public street, public highway, public sidewalk and/or public place or building in such a manner so as to commit in any of the aforesaid public places and/or any other public place any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, alley, or public way or any other public place or building, all of which prevents the free and uninterrupted ingress, egress or regress therein, thereof and/or thereto, and no person shall by his or her presence or by other means, either alone or in concert with others, interfere with or interrupt the conduct of business in the offices located in such buildings or public places.

(B) For purposes of this section, the following definitions shall apply:

**LOITERING.** Includes the following activity: Remaining idle in essentially 1 location and spending time idly in connection therewith; to linger; to stay, to saunter, to delay, to stand around; and shall also include the colloquial expression "hanging around"; moving slowly about; sleeping in motor vehicles or trailers located on public property; sleeping on streets or sidewalks, alleys, public ways, parks or other public property.

**PUBLIC PLACE.** Includes, but is not limited to, the following: All places commonly known as being distinctively public, such as public streets; public restrooms; sidewalks; parks; alleys and buildings; all places privately owned but open to the public generally, shopping centers, transportation terminals, retail stores, movie theatres, office buildings and restaurants.

**SURROUNDING AREA.** That area easily and immediately accessible to the person under observation.

(C) It shall be unlawful in the city, pursuant to this section, for any person or persons to place or erect upon any public way or passage way to any building an obstruction of any type, provided that this section shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.

(D) When any person causes or commits any offense or conditions enumerated above within this section, a police officer or any law enforcement officer may order that the person and/or persons stop causing or committing same and to move on and/or disburse and/or remove the obstruction. Any person and/or persons who refuse or fail to immediately so move on and/or disburse and/or remove said obstruction shall be guilty of an additional violation of this section.  
(Ord. 2038, passed 10-23-2006) Penalty, see § 133.99

#### **§ 133.16 SALE OF FIREARMS PROHIBITED.**

It shall be unlawful to sell, barter, offer for sale or give away any air gun, pop gun or sling shot within the city.  
(1963 Code, § 6-5-1)

#### **§ 133.17 DISCHARGE OF FIREARMS PROHIBITED.**

It shall be unlawful for any person to fire or discharge or carry any air gun, pop gun or sling shot within the city.  
(1963 Code, § 6-5-2)

#### **§ 133.18 CONCEALED WEAPONS.**

It shall be unlawful for any person to wear or carry concealed about his or her person any pistol, revolver, slingshot, metallic knuckles, bowie knife, dirk, razor or other dangerous or deadly weapon or to display any such weapon in a boisterous or threatening manner; provided, that the provisions of this section

shall not be held to apply to any police officer while in the discharge of his or her duties, not to any person summoned by any police officer to aid him or her in making an arrest or preserving the peace.  
(1963 Code, § 6-5-3)

#### **§ 133.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 130.99.

(B) Any student who violates the provisions of § 133.07 and/or any persons, including, but not limited to, a person having custody of a student hereunder who violates § 133.07 shall be a subject to a fine of not less than \$5 and not more than \$100.  
(Ord. 1764, passed 4-29-2002)

(C) Any person or persons violating the provisions of § 133.08 shall upon conviction, be fined not less than \$5 nor more than \$200.  
(1963 Code, § 4-1-13) (Ord. 677, passed 6-29-1964)

(D) Any person who violates § 133.03 shall be fined not less than \$50, nor more than \$750, for each offense; additionally, each violation of § 133.03 shall be considered a separate, individual offense.  
(Ord. 2148, passed 10-20-2008)

(E) The penalty for a finding of guilty, plea of guilty and/or conviction for any violation of § 133.16 shall be a fine of not less than \$50 and no more than \$500 for each violation of § 133.16. Each individual violation of § 133.16 shall constitute a separate offense hereunder and each day upon which such a violation occurs shall constitute a separate offense.  
(Ord. 2038, passed 10-23-2006)

## CHAPTER 134: DRUG OFFENSES

### Section

134.01 Possession of cannabis prohibited

provision shall not affect the remainder of the provisions of this section.  
(Ord. 2147, passed 10-20-2008)

### **§ 134.01 POSSESSION OF CANNABIS PROHIBITED.**

(A) It shall be unlawful for any person to possess 2.5 grams or less of any substance containing cannabis.

(B) **CANNABIS** includes marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis Sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seed of such plant, and other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(C) Any person found guilty of violating this section shall be fined not less than \$350, and not more than \$750 for each violation offense.

(D) In the event that any provision of this section shall be declared invalid, the invalidity of said

